



DIVISION OF PROFESSIONAL REGULATION

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STATE OF DELAWARE

BOARD OF GEOLOGISTS

Minutes – December 3, 2004

Approved January 14, 2005

The Delaware Board of Geologists held a meeting on Friday, December 3, 2004 at 10:00 a.m. in Conference Room B, Second Floor, Cannon Building, 861 Silver Lake Blvd., Dover, Delaware.

PRESENT:

William S. Schenck, Professional Member, President, Presiding
Steven M. Smailer, Professional Member, Vice President
Dana Long, Public Member
Theodore Ressler, Public Member
Eric Trinkle, Professional Member
Allison Reardon, Deputy Attorney General
Caitlin Mears, Administrative Specialist II

ABSENT:

Jerome Cooper, Public Member
Stephen Williams, Professional Member

CALL TO ORDER

Mr. Schenck called the meeting to order at 10:06 a.m.

REVIEW OF MINUTES FOR APPROVAL

Mr. Ressler made a motion to approve the minutes of the November 5, 2004 meeting as presented. The motion was seconded by Mr. Trinkle and unanimously carried.

OLD BUSINESS

Discussion of Senate Bill 229

The final list of crimes felt to be substantially related to a person's fitness or ability to perform one or more of the functions of a geologist was published in the Register of Regulations on December 1, 2004. A public hearing will be held on Friday, January 14, 2005 at 10:15 a.m. in the second floor conference room A of the Cannon Building, 861 Silver Lake Blvd., Dover, DE.

NEW BUSINESS

Applications for Licensure

Gary F. Starr's application for licensure by reciprocity from Pennsylvania was reviewed by the Board. Mr. Schenck made a motion, seconded by Mr. Ressler, to approve this application. The motion was carried by Mr. Long, Mr. Ressler, Mr. Schenck, and Mr. Trinkle. Mr. Smailer was recused.

Requirements to Sit for ASBOG Exam

According to 24 Del.C., Ch. 36, §3608(a)(3), an applicant who is applying for licensure as a geologist under this chapter shall submit evidence, verified by oath and satisfactory to the Board, that such person has achieved the passing score on all parts of the written, standardized examination administered by the National Association of State Boards of Geology (ASBOG), or its successor.

The ASBOG Professional Geologists Candidate Handbook states, "the examination shall be administered only to those candidates who have met the statutory and regulatory prerequisites of the state in which they are seeking licensure".

Rule 7.1 of this Board's Rules and Regulations states, "An applicant for examination and qualification for a license as a Geologist shall make application in writing, on forms provided by the Board, and shall furnish evidence satisfactory to the Board that he/she has met the pre-examination requirements as provided for 24 Del.C. Ch. 36, §3608"; however, the Delaware Code does not clearly state the prerequisites for sitting for the ASBOG examination in the State of Delaware.

In short, an applicant for licensure as a geologist in the state of Delaware, not applying through reciprocity, must achieve a passing score on both parts of the ASBOG exam. Only those candidates who have met the statutory and regulatory prerequisites of the state in which they are seeking licensure may sit for this examination.

In the past, applicants for licensure have completed Delaware's education and work experience requirements prior to applying for licensure as a geologist. The Board commonly approves an application for licensure contingent upon successful completion of the fundamentals and practice portions of the ASBOG examination.

Mr. Schenck explained that the "Fundamentals of Geology" portion of the ASBOG exam is designed to test the education received by the candidate while the "Practice of Geology" portion of the exam is designed to test the knowledge gained from work experience.

Mr. Schenck went on to say that, at the recent ASBOG meeting in Idaho, there was interest in offering the fundamentals portion as a university exit exam. As the ASBOG examination must be ordered in mid-January and mid-August in order to be taken in early March and early October, students may not have completed the education requirement for licensure prior to the examination cut-off date.

Mr. Schenck advised that the two questions before the Board were:

- Does the Board want to allow students to sit for the fundamentals portion of the exam after completion of the education requirement without regard to the work experience requirement?
- Does the Board want to require completion of five years' work experience as a prerequisite for the practice portion of the exam?

Mr. Smailer added that he did not see the possible harm in allowing students to take both portions of the exam when they deem appropriate. When he took the ASBOG examination, he didn't notice a difference in level or depth between the fundamentals and practice portions of the exam. Both portions cover a very broad scope without any sub-disciplines. Completion of the work experience requirement may not be a great benefit to passing the practice portion of the exam. He went on to say that allowing interested persons to take the ASBOG examination is a service that we should offer and one that may help to expand the profession.

Mr. Schenck agreed that the ASBOG examination could encourage interest in the field of geology. He will draft proposed rules and forms for discussion at a future meeting.

Graduate Work and Work Experience

Rule 1.0 clearly states that the five years of experience required for licensure shall be experience acquired in geological work after completion of the academic requirements as stated in §3608(a)(1). The academic requirements shall be a degree from an accredited college or university with a major in geology; or 30 credit hours of geology or its sub-disciplines, of which 24 credits are third or fourth year courses or graduate courses.

The Board discussed work as a Teacher's Assistant, research and investigation as a Master's-degree student, and graduate studies. Mr. Schenck clarified that an applicant may begin accumulating work experience after completion of 30 credit hours of geology as defined in Rule 1.0. The Board decided that it was up to the applicant to provide evidence that work experience obtained during continued education was applicable. He also stressed the need for consistency when reviewing applications for licensure.

Review of Substantially-Similar States

Currently there are eight states whose requirements for licensure are stated as substantially-similar to those of Delaware: Illinois, Indiana, Kentucky, Maine, North Carolina, Pennsylvania, South Carolina, and Tennessee.

Recently, it has come to the Board's attention that Pennsylvania allows an applicant for licensure to accrue work experience prior to completion of the education requirement. It has also been found that some states give credit towards years of experience for advanced degrees.

Mr. Schenck and Ms. Mears will locate and print the laws for licensure for each of these states and divide them among the members at the January 7, 2005 meeting. Each member will review the state(s) assigned to him and discuss the findings at the February 4th meeting.

The next step will be to review the licensure requirements of the remaining states. This will ensure that those states listed on the application forms as being substantially similar truly have substantially-similar requirements for licensure.

Mr. Schenck emphasized that the Board has an obligation to not give up its right to deny licensure to someone that it wouldn't otherwise approve licensure.

OTHER BUSINESS (for discussion only)

ASBOG 2004 Annual Meeting

Mr. Schenck shared information from the ASBOG 2004 Annual Meeting held in Boise, Idaho on November 1 – 7, 2004.

Participants in the Council of Examiners (COE) workshop took great care to ensure accurate scoring of the October 2004 examination and question correctness for the March 2005 exam.

Using data gathered from the Task Analysis Survey (TAS), the Task Analysis Committee recommended shifts in the percentages of questions related to major categories. Hydrology continues to be the main emphasis of both portions of the exam.

The Committee is recommending that the amount of questions on the ASBOG examination be increased from 110 to 130 on the Fundamentals of Geology portion of the exam and from 80 to 100 questions on the Practice of Geology portion. Records show that applicants currently finish both portions of the exam in three hours instead of the four hours allowed. The increase in questions will also increase the accuracy of the exam in determining professional competency.

ASBOG is experiencing some financial challenges. The cost of the recent Task Analysis Survey and committee meetings has proven to be substantially more expensive than expected. ASBOG is considering increasing the cost of the exam as well as increasing the cost for new member boards joining ASBOG. It is felt that the current member boards have borne the expense of creating and maintaining the current examinations.

American Institute of Professional Geologists (AIPG) and American Association of Petroleum Geologists (AAPG) have expressed an interest in offering the ASBOG examination as one of their services. Although the ASBOG Executive Committee is looking into this, many voting delegates, including Mr. Schenck, have expressed concerns about this prospect. Mr. Schenck also expressed the need for the voting delegate from each state board to have more responsibility to track and report activities through out the year.

EPA Proposal to Define an Environmental Professional

A letter was mailed, on behalf of the Board, to Linda Garcznski of the Environmental Protection Agency (EPA). This letter commented on the EPA All Appropriate Inquiry (AAI) Negotiated Rulemaking Committee (Draft) Final Consensus Document regarding the definition of an environmental professional.

The Delaware Board strongly agrees with Section 312.10(b)(4) of the proposed rule stating:

The definition of environmental professional provided above does not preempt state professional licensing or registration requirements such as those for a professional geologist, engineer, or site remediation professional. Before commencing work, a person should determine the applicability of state professional licensing registration laws to the activities to be undertaken as part of the inquiry identified in Section 312.21(b).

Delaware requires licensing of geologic and engineering professionals, and the Board feels that it would be inappropriate and possibly illegal for EPA defined "environmental professionals" to perform geologic or engineering characterizations involved in remediation of Brownfield sites.

The Delaware Board is opposed to any clauses included in the proposed rulemaking that involve grandfathering and references to unlicensed individuals that are somehow qualified by the federal government [EPA or others] to perform this type of work and suggest that these references and clauses be removed entirely. The Board feels that professional licensure/registration is best left to the states to regulate, not the federal government.

Copies of this letter were sent to Office of Information and Regulatory Affairs, Delaware Association of Professional Engineers, and National Association of State Boards of Geology Member States.

PUBLIC COMMENT

There were no public comments.

NEXT MEETING

The next meeting is scheduled for January 14, 2005 at 10:00 a.m. in Conference Room A.

ADJOURNMENT

There being no further business, Mr. Ressler made a motion to adjourn the meeting. The motion was seconded by Mr. Trinkle and unanimously carried. The meeting adjourned at 11:19 a.m.

Respectfully submitted,

Caitlin Mears
Administrative Specialist II